

April 11, 2011

The Honorable James Ware
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

C/o elizabeth_garcia@cand.uscourts.gov

Re: IN RE GOOGLE BUZZ USER PRIVACY LITIGATION

Case No. 5:10-CV-00672-JW

OBJECTIONS TO PROPOSED CY PRES DISTRIBUTION

Dear Chief Judge Ware:

The Cyber Privacy Project ("CPP") and the Privacy Journal ("PJ") respectfully submit this response to the objections to Class Counsel's March 25 submission and to the Electronic Privacy Information Center's ("EPIC's") April 7 reply on behalf of EPIC and seven others.

CPP and PJ are two of the 77 organizations that filed applications with the Rose Foundation and each has been involved in Internet privacy issues for several years. As applicants, CPP and PJ object to both the list prepared by Google and Class Counsel and the list prepared by EPIC. CPP and PJ agree that, for the reasons stated in the EPIC submissions, Google's and Class Counsel's may have failed to meet the "next best distribution" requirement for *cy pres* awards, including their decision to make a pro-rata distribution of the residuals not even requested by the applicants. CPP and PJ also maintain that sending all funds to a self-selected group fails to meet that same requirement.

CPP and PJ respectfully submit that should the court determine Google's and Class Counsel's list fails to meet the "next best distribution" requirement, the fairest way to allocate the fund is to ask the court to engage an independent organization, like the Rose Foundation, with expertise in the area to apply the criteria that the applicants were asked to address in their applications and to make its set of recommendations to the Court.

Respectfully submitted,

Richard Sobel

on behalf of Cyber Privacy Project (applicant)

Pro se

Bob Smith

on behalf of Privacy Journal (applicant)